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Date:

2/28/05

By:

Dee Dee Sutherland

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GJERSET, RUTH

APPLICATION No.: 09/556,440

FILED: APRIL 24, 2000

FOR: **DOWNREGULATION OF DNA REPAIR TO
ENHANCE SENSITIVITY TO P53-MEDIATED
SUPPRESSION**

EXAMINER: GARY B. NICKOL

ART UNIT: 1642

CONF. No.: 7465

Status Inquiry

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submitted to the Office of Petitions, on May 10, 2004 via Express Mail, a Petition to Revive Unintentionally Abandoned Application. Copies of the petition papers, as filed, and the Express Mail receipt are enclosed. To date, no communication has been received from the Office of Petitions indicating a decision on the Petition. Applicant notes that the PAIR record for this application does not indicate receipt by the United States Patent Office of the papers filed on May 10, 2004.

Please advise the undersigned of the present status of Applicant's Petition to Revive.

Respectfully submitted,
Perkins Coie LLP

Date:

2/28/05

Lauren Sliger
Lauren Sliger
Registration No. 51,086

Correspondence Address:

Customer No. 34055
Patent - LA
Perkins Coie LLP
P.O. Box 1208
Seattle, Washington 98111-1208
Phone: (310) 788.9900
Fax: (310) 788.3399

Express Mail No. EL994147316US

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail No. EL994147316US in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: May 10, 2004

By:

Rena lov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GJERSET, RUTH

APPLICATION NO.: 09/556,440

FILED: APRIL 24, 2000

FOR: **DOWNREGULATION OF DNA REPAIR
TO ENHANCE SENSITIVITY TO P53-
MEDIATED SUPPRESSION**

EXAMINER: GARY B. NICKOL

ART UNIT: 1642

CONF. NO.: 7465

**Petition to Revive Unintentionally Abandoned
Application under 37 C.F.R. § 1.137(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which apparently became abandoned on March 26, 2004 for failure to file a response to the final Office Action mailed July 14, 2003.

2. **Reply Under 37 C.F.R. § 1.137(b)(1)**

Under 37 C.F.R. § 1.137(c), the required reply is met by the filing of a continuation application which is filed at the same time as this petition, a copy of which is enclosed herewith.

3. **Fee Under 37 C.F.R. § 1.137(b)(2)**

Enclosed is a check covering the fee of \$665.00 under 37 C.F.R. § 1.17(m).

4. **Statement Under 37 C.F.R. § 1.137(b)(3)**

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☒ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed March 26, 2004. Under current USPTO practice, further information regarding the abandonment is not required.
- ☐ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by _____ explaining how the abandonment occurred and how it was unintentional.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by _____ explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

6. Terminal Disclaimer under 37 C.F.R. § 1.137(b)(4) and (c)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2586.

Respectfully submitted,
Perkins Coie LLP

Date: May 10, 2004



Patrick D. Morris, Ph.D.
Registration No. 53,351

Correspondence Address:

Customer No. 34055
Patent - LA
Perkins Coie LLP
P.O. Box 1208
Seattle, Washington 98111-1208
Phone: (310) 788-9900
Fax: (206) 332-7198

Express Mail Label EL994147320US

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail No. EL994147320US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: May 10, 2004

By: 

Rena lov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GJERSET, RUTH

APPLICATION NO.: NOT YET ASSIGNED

FILED: HEREWITH

FOR: **DOWNREGULATION OF DNA REPAIR TO
ENHANCE SENSITIVITY TO P53-MEDIATED
SUPPRESSION**

**Transmittal of Continuation Patent Application
for Filing Under 37 CFR §1.53(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: Transmitted herewith for filing is a patent application by inventor(s): Ruth Gjerset and entitled:

**DOWNREGULATION OF DNA REPAIR TO ENHANCE SENSITIVITY TO P53-
MEDIATED SUPPRESSION**

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1-74.
- ☒ 7 Sheets of Drawings (Figures 1-7D).
- ☒ A copy of Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b) for USSN 09/556,440.
- ☒ Declaration (copy from parent application).
- ☐ Sequence listing printout, diskette, and matching declaration.
- ☐ Sheets of formal drawings.
- ☒ A Preliminary Amendment.
- ☐ A new Power of Attorney.

2. Amendment

- ☒ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☐ Please cancel original claims , inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).
- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

4. U.S. Priority

- ☒ This application is a continuation of U.S. Patent Application No. 09/556,440 filed April 24, 2000, which is a continuation of U.S. Patent Application No. 08/675,887 filed July 5, 1996 and issued as U.S. Patent No. 6,054,467, both of which are incorporated herein in their entirety by reference, including drawings.

5. Foreign Priority

- ☐ Priority of Application No. «SerialNo» filed in _____ on _____ is claimed under 35 USC §119.
- ☐ A certified copy of this priority document is enclosed.

6. Prior Documents Still In Effect

- ☐ This application and parent application, Application No. «SerialNo», filed «FileDate» are assigned of record to _____, as recorded in the U.S. Patent and Trademark Office at Reel _____ and Frame _____.
- ☐ Power of Attorney in the above-identified prior application is to _____, Reg. No. _____, and the other attorneys or agents identified therein.

7. Entity Status

- ☐ Large entity status applies to this application.
- ☒ Applicant claims small entity status. See 37 CFR §1.27

8. Fees

The filing fee has been calculated taking into account any amendments in section 2 above:

For:	(Col. 1) No. Filed	(Col. 2) No. Extra	Small Entity			Other Than a Small Entity	
			Rate	Fee		Rate	Fee
Basic Fee				\$375.00	or		\$750.00
Total Claims	- 20		x \$ 9 =	\$	or	x \$ 18 =	\$
Independent Claims	- 3		x \$42 =	\$	or	x \$ 84 =	\$
<input type="checkbox"/> Multiple Dependent Claim Presented			+ \$140 =	\$	or	+ \$280 =	\$
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$	or	TOTAL	\$

[Delete unchecked paragraphs below to help with pagination]

- ☐ A check in the amount of \$ is enclosed to cover the Filing Fee. The Commissioner is hereby authorized to charge any deficiency in fees under 37 CFR 1.16 and 1.17 to Deposit Account No. 50-2586.
- ☐ Please charge the Filing Fee and any other fees necessary for timely filing of this application to Deposit Account No. 50-2586.
- ☒ *Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts. **DO NOT CHARGE DEPOSIT ACCOUNT.**

Respectfully submitted,
Perkins Coie LLP



Date: May 10, 2004

Patrick D. Morris, Ph.D.
Registration No. 53,351

Correspondence Address:

Customer No. 34055
Perkins Coie LLP
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-9900
Fax: (206) 332-7198

Express Mail Label EL994147320US

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Date: May 10, 2004

By: 

Rena lov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GJERSET, RUTH
APPLICATION No.: NOT YET ASSIGNED
FILED: HEREWITH
FOR: **DOWNREGULATION OF DNA REPAIR
TO ENHANCE SENSITIVITY TO P53-
MEDIATED SUPPRESSION**

Preliminary Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to (copy enclosed).
- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

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- ☐ Priority of Application No. «SerialNo» filed in on is claimed under 35 USC §119.
- ☐ A certified copy of this priority document is enclosed.

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- ☐ Power of Attorney in the above-identified prior application is to , Reg. No. , and the other attorneys or agents identified therein.

7. Entity Status

- ☐ Large entity status applies to this application.
- ☒ Applicant claims small entity status. See 37 CFR §1.27

8. Fees

The filing fee has been calculated taking into account any amendments in section 2 above:

For:	(Col. 1) No. Filed	(Col. 2) No. Extra	Small Entity			Other Than a Small Entity	
			Rate	Fee		Rate	Fee
Basic Fee				\$375.00	or		\$750.00
Total Claims	- 20		x \$ 9 =	\$	or	x \$ 18 =	\$
Independent Claims	- 3		x \$42 =	\$	or	x \$ 84 =	\$
<input type="checkbox"/> Multiple Dependent Claim Presented			+ \$140 =	\$	or	+ \$280 =	\$
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$	or	TOTAL	\$

REMARKS

Applicant respectfully requests consideration of the application in view of this preliminary amendment. If the Examiner has any questions or matters that can be expediently handled by telephone, he or she is encouraged to contact the undersigned at (310) 788-3219.

Respectfully submitted,
Perkins Coie LLP



Patrick D. Morris, Ph.D.
Registration No. 53,351

Date: May 10, 2004

Correspondence Address:

Customer No. 34055
Perkins Coie LLP
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-9900
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PERKINS COIE LLP
1620 26TH STREET, 6TH FLOOR
SANTA MONICA, CA 90404

U.S. BANK
SEATTLE, WA 98101
19-10/1250

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5/7/2004

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MEMO

Petition revive fee/54763.8003.US01

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PERKINS COIE LLP

Commissioner for Patents

5/7/2004

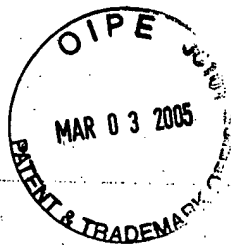
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<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional information: (If you are a business, please provide a signature and address for delivery to business. If you are a residential address, please provide a signature and address for delivery to residential. If you are a government address, please provide a signature and address for delivery to government.) <input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

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PERKINS COIE
1620 26TH ST FL 8
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P. Morris/R. Iov
54763.8003.US01

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Commissioner for Patents
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Alexandria, VA 22313-1450

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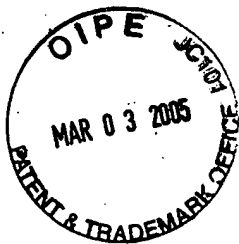
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Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicants: Gjerset, Ruth
Application No.: 09/556,440
For: DOWNREGULATION OF DNA REPAIR TO ENHANCE
SENSITIVITY TO P53-MEDIATED SUPPRESSION
Filed: April 24, 2000

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Attorney(s): Patrick D. Morris
Docket No.: 54763.8003.US01
Date of Deposit: May 10, 2004
Express Mail No.: EL994147316US
Enclosure(s): Petition to Revive Unintentionally Abandoned Application Under
37 C.F.R. § 1.137(b); copy of continuation application filed
concurrently herewith; check for \$665.00; return postcard

